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**** E-filed April 7, 2011 ****

Attorneys for Plaintiffs, Romero Arturo Colorado, Martin Estrada, Rafael Lara Prieto, Alberto Gonzalez Herrera, Aurelio Prieto, Gabriel Hernandez and Pino Ariola Acosta

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

ROMERO ARTURO COLORADO; MARTIN
ESTRADA; RAFAEL LARA PRIETO;
ALBERTO GONZALEZ HERRERA;
AURELIO PRIETO; GABRIEL
HERNANDEZ; and PINO ARIOLA ACOSTA

Case No. CV 10-03741-HRL

**STIPULATION RE: ORDER FOR
DISMISSAL**

Plaintiffs,

v.

GIACALONE ELECTRICAL SERVICES,
INC.; VINCE GIACALONE; LISA ANN
BURNS; LISA GIACALONE; AND PAUL
STEFAN GIACALONE and DOES 1 through
25, Inclusive

Defendants.

Plaintiffs ROMERO ARTURO COLORADO, MARTIN ESTRADA, RAFAEL LARA PRIETO, ALBERTO GONZALEZ HERRERA, AURELIO PRIETO, GABRIEL HERNANDEZ, and PINO ARIOLA ACOSTA (hereinafter referred to as "Plaintiffs"), on one hand, and Defendants GIACALONE ELECTRICAL SERVICES, INC., VINCE GIACALONE, LISA ANN BURNS, LISA GIACALONE, and PAUL STEFAN GIACALONE (hereinafter referred to as "Defendants"), on the other hand, by and through their respective counsel, stipulate to the following:

1. The complaint in this action alleges claims which were originally filed by Plaintiffs

1 in the Superior Court of California for the County of Monterey on March 8, 2010. On June 18,
 2 2010, Plaintiff's filed a First Amended Complaint and added DOE Defendants. On August 27,
 3 2010, Defendants removed this action to the United States District Court for the Northern District
 4 of California. On August 30, 2010, Defendants filed a general denial to the complaint in the
 5 United States District Court.

6 2. The Complaint alleges the following claims:

7 a. First Cause of Action - Failure to Provide Required Meal and Rest Periods
 8 or Compensation in Lieu Thereof in Violation of IWC Order No.
 9 16-2001; 8 CCR section 11160(10) and (11); and Labor Code sections
 10 226.7 and 512

11 1. On Behalf of: All Plaintiffs.

12 2. Against: Defendant, GIACALONE ELECTRICAL SERVICES,
 13 INC.

14 b. Second Cause of Action – Failure to Pay Hourly and Overtime Wages in
 15 Violation of IWC Order No. 16-2001; 8 CCR section 11160(3)(A);
 16 and Labor Code sections 510, 1194 and 1198

17 1. On Behalf of: All Plaintiffs.

18 2. Against: Defendant, GIACALONE ELECTRICAL SERVICES,
 19 INC.

20 c. Third Cause of Action – Failure to Provide Wage Statements in Violation of
 21 IWC Order No. 16-2001; 8 CCR section 11160(6) ; and Labor Code
 22 section 226(a)

23 1. On Behalf of: All Plaintiffs.

24 2. Against: Defendant, GIACALONE ELECTRICAL SERVICES,
 25 INC.

26 d. Fourth Cause of Action – Violation of Labor Code section 201 and 203

27 1. On Behalf of: Plaintiffs, ROMERO ARTURO COLORADO,
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MARTIN ESTRADA, RAFAEL LARA PRIETO, and ALBERTO
GONZALEZ HERRERA

2. Against: Defendant, GIACALONE ELECTRICAL SERVICES,
INC.

e. Fifth Cause of Action- Failure to Pay Prevailing Wages

1. On Behalf of: All Plaintiffs.

2. Against: Defendant, GIACALONE ELECTRICAL SERVICES,
INC.

f. Sixth Cause of Action – Failure to Pay Minimum Wage

1. On Behalf of: All Plaintiffs.

2. Against: Defendant, GIACALONE ELECTRICAL SERVICES,
INC.

g. Seventh Cause of Action – Fair Labor Standards Act Overtime Violation

1. On Behalf of: All Plaintiffs.

2. Against: All Defendants.

h. Eighth Cause of Action – Unlawful Deductions and Kickbacks

1. On Behalf of: All Plaintiffs.

2. Against: Defendant, GIACALONE ELECTRICAL SERVICES,
INC.

i. Ninth Cause of Action – California Labor Code Private Attorneys General
Act of 2004; Labor Code section 2698

1. On Behalf of: All Plaintiffs.

2. Against: Defendant, GIACALONE ELECTRICAL SERVICES,
INC.

j. Tenth Cause of Action – Unfair Business Practices

1. On Behalf of: All Plaintiffs.

2. Against: All Defendants.

3. On February 9, 2011, the parties successfully concluded a settlement of the Plaintiff's individual claims on the following terms:

- a. All of the terms of the settlement are conditioned on the court dismissing all of the claims in this action with prejudice;
- b. Defendants shall pay the total sum of \$25,000.00 to Plaintiffs in full satisfaction of all of their claims;
- c. The parties shall jointly seek and obtain the dismissal of all claims in this action with prejudice.
- d. Plaintiffs shall execute a release in favor of Defendants.


Dated: March 2, 2011

FITZPATRICK, SPINI & SWANSTON

By: /s/ B. James Fitzpatrick
B. JAMES FITZPATRICK
Attorneys for Plaintiffs,
ROMERO ARTURO COLORADO, et al.

Dated: March 11, 2011

THE SAQUI LAW GROUP

By: 
Michael C. Saqui
Attorney for Defendants
GIACALONE ELECTRICAL SERVICES, and
VINCE GIACALONE,

ORDER

Good cause appearing therefore, the Court hereby orders a dismissal of claims alleged in the Complaint as follows:

1. Plaintiffs ROMERO ARTURO COLORADO, MARTIN ESTRADA, RAFAEL LARA PRIETO, ALBERTO GONZALEZ HERRERA, AURELIO PRIETO, GABRIEL

1 HERNANDEZ, and PINO ARIOLA ACOSTA's claims with prejudice.

2 All claims in the Complaint having been dismissed, the court hereby dismisses the
3 Complaint.

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5 Dated: April 7, 2011


6 HOWARD R. LLOYD
7 UNITED STATES MAGISTRATE JUDGE
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